

REMARKS

Applicant respectfully requests allowance of the subject application.

Election/Restriction

The Office Action sets forth a restriction requirement under 35 U.S.C. §121, and requires the election of one of the following groups for prosecution on the merits:

- Group A (Combination), claims 1-11, 30-35, 38, 39, and 41-43, allegedly drawn to “a game controller that transmits and receives data to and from, respectively, a host in a manner in which the magnitude of both the transmission power and the reception power to conserve a battery connected to the game controller;”
- Group B (Subcombination), claims 16-23, and 36, allegedly drawn to “using the magnitude of receiver sensitivity to conserve the batter;”
- Group C (Subcombination), claims 24-29, and 37, allegedly drawn to “using the magnitude of only the transmission power to conserve the battery;” and
- Group D (Subcombination), claim 40, allegedly drawn to “adjusting the reception power and the transmission power to a lowest power level while maintaining a desired quality of service to conserve the battery.”

Restriction Requirement, pp. 2-5.

Applicant respectfully elects Group A, claims 1-11, 30-35, 38, 39, and 41-43, **with traverse**.

Applicant acknowledges that the Office has indicated that agreement was reached with a SPE that a restriction is believed proper in this case. Office Action, p. 3. However, Applicant respectfully disagrees. For example, Applicant respectfully submits

that the restriction is improper at least because each of claims 1-11 and 16-43 were previously examined by the Office. Additionally, none of the language given by the Office as a reason for the restriction was newly added in the previous response. As such, no additional burden is being placed on the Office by further examining all of claims 1-11 and 16-43 in a subsequent examination. Accordingly, Applicant respectfully requests withdrawal of the restriction requirement, and respectfully requests that the Examiner examine all of claims 1-11 and 16-43 as previously presented.

Additionally, Applicant respectfully submits that the restriction is improper at least because claim 30 recites that “a magnitude of the receiver sensitivity and the transmission power . . . conserves consumption of the battery,” and claims 16 and 24 recite that “a magnitude of the receiver sensitivity conserves consumption,” and that “a magnitude of the transmission power conserves consumption,” respectively. *See* independent claim 30 of Group A, independent claim 16 of Group B, and independent claim 24 of Group C. Thus, in the course of properly searching claim 30 of Group A, the Office would have to search in substantially the same classes and subclasses and using the same or similar queries as for Groups B and C. Therefore, the Office’s search of the additional claims of Groups B and C would require little or no additional searching. Accordingly, and as noted above, regarding the previous examination of all of claims 1-11 and 16-43, Applicant respectfully requests withdrawal of the restriction requirement in its entirety. However, at the very least, Applicant respectfully requests withdrawal of the restriction requirement regarding Groups B and C, and respectfully requests that the Examiner include claims 16-23 and 36 of Group B and claims 24-29 and 37 of Group C in the examination of Group A.

Conclusion

Favorable consideration and an early notice of allowance are respectfully requested. If any issue remains unresolved that would prevent allowance of this case, **Applicant respectfully requests that the Office contact the undersigned attorney to resolve the issue.**

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

By: /Jesse S. Bennett, Reg. No. 62,647/

Dated: February 8, 2011

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